this case, two under the Federal Constitution, one under Article I, Section 7, of the Constitution of the State of Delaware, and one under Article I, Section 8, thereof. Section 7 provides in part that no person shall "be deprived of life, liberty or property, unless by judgment of his peers or by the law of the land." Section 8 provides in part that no man's property shall "be taken or applied to public use without the consent of his representatives and without compensation being made."

The Delaware Supreme Court held that the damage provision in the Delaware Franchise Security Law constitutes "the taking of private property without compensation and without due process of law." (Appendix A, p. 23).

Article I, Section 7, of the Delaware Constitution has been considered by the Delaware courts to be the "due process clause." *Ajax Distributors, Inc. v. Springer,* 26 Del. Ch. 101, 22 A. 2d 838 (Ch. 1941), *aff'd* 26 Del. Ch. 445, 28 A. 2d 309 (Sup. Ct. 1942). Thus, the court's reference to "due process" referred to the State, as well as the Federal, Constitution. Likewise, the court's holding that there was a taking of property "without compensation" clearly referred to Article I, Section 8, of the State Constitution.

The Delaware Supreme Court's opinion concludes with a claim (Appendix A, p. 23) that all four of the certified questions are answered in its opinion. It, therefore, follows that the court's holdings under the State Constitution were an essential part of the Delaware Supreme Court's judgment, so that there are adequate and independent state grounds to support the judgment below. The Supreme Court of the United States will not grant a petition for certiorari where independent state grounds support the judgment which the petitioner is seeking to have reversed. *Wilson v. Loew's Incorporated,* 355 U. S. 597 (1958).

CONCLUSION.

For the foregoing reasons, the writ of certiorari should be denied.

Respectfully submitted,

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